

REMARKS

Claims 1 – 12 are presently pending in this application. By this amendment, claims 1, 2 and 4-12 have been amended. Reconsideration is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1-12 were rejected because the word “it” was not clear. The word “it” has been deleted from all claims and applicants submit that any objection on this basis has been rendered moot.

Claims 5-7, 9, 10 and 12 were rejected because of the word “acoustics.” Although the applicants explain this term in the specification and believe it would be well understood by those skilled in the art, the objected-to claims have been amended to either delete the term “acoustic” or to replace the term with “effects.”

The claims have also been rejected for use of the phrase “notifying device.” In the specification, the term “transmitting device” was also used synonymously. Thus “transmitting device” now replaces “notifying device” in the applicable claims.

The Examiner has also objected to the term “standard musical composition data.” To make the applicable claims more clear, the phrase “standard musical composition data” has been revised to read “musical composition data in said predetermined format, where the predetermined format is defined in the preamble to mean “a predetermined key-based instrument and performance control format.” While MIDI is a current example of such a predetermined format, applicants do not want to limit the scope of their invention to the current MIDI protocol, as new key-based instrument and performance control formats are

envisioned in the future. Applicants submit that the language “key-based instrument and performance control” would be well understood by those of skill in this art.

Finally, the term “musical image” has been objected to. Accordingly, this term has been replaced with “imaging” in the claims. Applicants submit that the technical literature often uses terms such as “stereo imaging”, “three-dimensional imaging”, to denote the auditory perception that one experiences hearing sounds coming from all three dimensions in real life and from audio systems that attempt to mimic the three-dimensional nature of sounds in real life. In this case, applicants have used the word “imaging” as that term has the same meaning as the original term “musical image” and would seem to be more consistent with terminology used in the audio engineering field.

Rejections under 35 U.S.C. § 102 and 103

Turning now to the art rejections, the Examiner has rejected claims 1, 3-8, 10 and 11 under 35 U.S.C. § 102 as being anticipated by Shimatani et al (JP 10-260681). The Examiner rejects claim 2 as being obvious over Shimatani in view of Cakewalk, and claims 9 and 12 over Shimatani in view of Beach.

Shimatani discloses choosing a parameter to make a change in initialization data based on a user’s instruction (directions) in the step S4 of FIG. 6. Namely, Shimatani discloses a change instruction (directions) means for changing performance data. The present invention has not the change instruction means, but a determining device that determines whether or not the imaging in the musical composition reproduction changes. According to the present invention, whether or not the imaging in the musical composition reproduction changes can be automatically determined by the determining device. On the

other hand, in Shimatani, whether or not the imaging in the musical composition reproduction changes may be determined by a user's instruction.

Shimatani relates to a system for altering playing data that utilizes an editing process. However, unlike applicants' invention, Shimatani simply searches for a predetermined parameter and changes it, if found. Thus Shimatani, in effect, performs a search and replace function.

In contrast, the applicants' invention is able to test whether the imaging in a musical composition changes and, if so, altering the musical composition control codes so that the musical composition reproduction state becomes constant. This operation is considerably different from the search and replace function performed by Shimatani.

To assist the Examiner in assessing the Shimatani reference, a translation of the flowchart of Figure 6 is provided below:

- song data changing mode starts here SA1
- choose the song data you would like to change SA2
- copy the selected song data to edit buffer S1
- choose track S2
- show the initialization data S3
- choose the parameter you want to change S4
- change the selected parameter S5
- search for selected parameter in the musical performance data, starting at the beginning of the data S6
- does the parameter exist? S7

if yes:

- change the parameter data S8
- search for the existence of the parameter in the musical performance data, starting from one after the changed data S9

if no:

- confirm the changed data S11
- store? S12

if yes:

- store the data S13

if no:

END

The Examiner will see that the decision at step S7 relates to whether a given parameter exists and if so, change it at step S8. It is submitted that if Shimatani were designed to assess whether the imaging in a musical composition has changed, then the flowchart would have some comparison step (does imaging change?) which it does not.

Accordingly, in view of this significant difference between the applicants' invention and Shimatani, it is respectfully submitted that claims 1-12 are allowable over Shimatani et al whether taken alone or in combination with Cakewalk or Beach.

Regarding claims 9 and 12, the Examiner will note that these claims have been further amended to clarify that applicants are parsing the generated motion information into types of motions, and then maps those different types of motions onto different musical control codes. In this way the applicants generate new musical control codes that are imparted to the musical composition data. The art of record does not do this. Rather, the art of record simply converts motion information into notes, which are then played back by a tone generation device. Accordingly, for this additional reason, it is respectfully submitted that claims 9 and 12 are allowable.

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Reply to Office Action of February 6, 2006

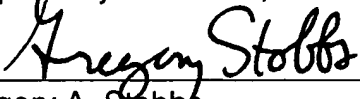
Docket No.: 2552-000056/US

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 2552-000056/US from which the undersigned is authorized to draw.

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Respectfully submitted,

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